



INSIGHTS

108th Congress

November 12, 2003

*Also available on the FEMP Home Page at
www.eere.energy.gov/femp/resources/insights.html.*

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INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of ***INSIGHTS*** is to provide FEMP management staff with timely information on legislative activities relevant to the program. ***INSIGHTS*** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

I. WEEKLY SUMMARY

CONGRESSIONAL SCHEDULE

Congress has set a new adjournment target date of November 21; however, this date is tentative since Congress has several major bills to enact before adjourning.

House

The House recessed for the duration of this week.

Senate

This week, the Senate scheduled the following activities of interest:

- Vote on *S. 1584 – FY 2004 Appropriations for Veterans' Administration, Housing and Urban Development, and Independent Agencies*

CONFERENCE COMMITTEES/VOTES

H. R. 6 – Energy Policy Act of 2003 – The conference committee continues to wait for a final draft conference report for review and approval. Differences over certain tax-related provisions have delayed a wrap up of the bill as well as a 48-hour advance review of a final draft report by the Democrats, which was promised by Conference Committee Chair, Pete Domenici (R/NM). Meanwhile, the Democratic Leadership has hinted that they may filibuster a vote on the bill in order to provide the minority party with what they believe is sufficient time to review the conference report. In addition, Tom Daschle (D/ND), Senate Minority Leader, said yesterday that he believes Congress will not complete a bill before adjourning for the year. The Republican Leadership is pushing to complete the draft report and submit it to the committee by next week when the House returns to Washington.

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II. COMMITTEE ACTIVITY

HOUSE

Legislation

See [Section IV. New Legislation](#).

Summary of Hearings

No new hearings of interest to report.

SENATE

Legislation

No new bills of interest to report.

Summary of Hearings and Confirmations

Federal Energy Regulatory Commission Appointments On November 7, the Senate confirmed the appointments of Joseph Kelliher and Suede G. Kelly to the Federal Energy Regulatory Commission. Currently a senior policy advisor to Department of Energy Secretary Spencer Abraham, Mr. Kelliher will serve on the commission through June 2007. Mr. Kelly, whose term will expire next summer, is currently a law professor at the University of New Mexico. Committee on Energy and Natural Resources Chairman Pete Dominici (R/NM) released the following statement:

“I am delighted with the confirmation of Joe and Suede. I have support[ed] Joe since the White House first proposed his name to the Senate two years ago. I am delighted that the long wait is over for him. He will make an outstanding commissioner.

I am pleased that fellow New Mexican, Suede Kelly, has also been confirmed. She brings to the FERC a solid background in law and energy. I am confident she will serve the public well in this capacity.”

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STATUS OF FY 2004 APPROPRIATIONS

Continuing Resolution (CR) Last week, Congress passed a fourth CR, *P.L. 108-107*, extending the operation of Federal programs under the jurisdiction of annual appropriations bills not yet enacted into public law. The CR is effective through November 21, 2003 (a third CR was enacted on October 31 and remained in effect until November 7). Meanwhile, the Republican Leadership is preparing an omnibus bill to contain the provisions for any FY 2004 appropriations bills that have yet to clear Congress. Bills of interest still pending a conference committee report include:

- ***H.R. 2673/S. 1427 – FY 2004 Appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies*** (Status: House passed a bill on House July 14; Senate approved a bill on November 6.)
- ***H.R. 2799/S. 1585 – FY 2004 Appropriations for Commerce, Justice, State, and the Judiciary*** (Status: House passed a bill on July 23, Senate bill still pending consideration and vote.)
- ***H.R. 2660/S.1356 – FY 2004 Appropriations for Labor, Health and Human Services, and Educations*** (Status: pending conference committee report.)
- ***H.R. 2989/S. 1589 – FY 2004 Appropriations for Treasury, Transportation, and Independent Agencies*** (Status: still pending conference committee report.)

- ***H.R. 2861/S. 1584 – FY 2004 Appropriations for Veterans’ Administration, Housing and Urban Development, and Independent Agencies*** (Status: House passed a bill on July 25; Senate bill pending consideration and vote, which is scheduled for November 12.)

CONFERENCE COMMITTEES/VOTES

FY 2004 Appropriations

Last week, Congress took action on the following bills of importance:

- ***H. Rpt. 108-330 – FY 2003 Appropriations for Interior and Related Agencies*** passed the Senate on November 3.
- ***H. Rpt. 108-337 – FY 2003 Emergency Supplemental Appropriations*** passed the Senate on November 3.
- ***H. Rpt. 108-342 – FY 2004 Appropriations for Military Construction*** was approved by the Conference Committee on November 4. The \$9.316 billion bill is \$199 million above the President’s request and \$1.382 billion below FY 2003 funding. Activities of interest are provided below.

Military Construction - \$5.16 billion

Barracks - \$1.2 billion

Child Development Centers - \$16.5 million

Hospital and Medical Facilities - \$159 million

Guard and Reserve Components - \$730 million

Family Housing - \$3.80 billion

New Family Housing Units and Improvements to Existing Units - \$1.1 billion

Operation and Maintenance of Existing Units - \$2.7

- ***H. Rpt. 103-___ - FY 2004 Appropriations for Energy and Water Development*** was approved by the Conference Committee on November 5. The bill **provides \$426 million for the Department of Energy’s Renewable Energy Program** (which is \$7. million below the President’s request and \$75.1 million below FY 2003 funding. Much of the reduction is a result of the transfer of a program to the newly created Office of Electricity Transmission and Distribution.)

III. STATUS OF FY 2004 APPROPRIATIONS BILLS

(In Millions)

HOUSE

SENATE

Jurisdiction/ FY 2004 Budget Request	302(b) Allocations / Approved Funding Level	Bill No.	Full Cmte. Mark Up	Floor Vote	Vote on Conf Rpt.	302(b) Allocations/ Approved Funding Level (New)	Bill No	Full Cmte. Mark Up	Floor Vote	Vote on Conf. Rpt.
Agriculture \$17,141	\$17,005	H.R. 2673	6/25	7/14		\$17,005	S. 1427	7/17	11/7	
Commerce \$37,685	\$37,914	H.R. 2799	7/16	7/23		\$37,014	S. 1585	9/4		
Defense \$371,698 P.L. 108-86	\$368,662	H.R. 2658	6/26	7/8	9/24	\$368,662	S. 1382	7/9	7/17	9/25
Energy and Water Development \$26,946	\$27,080	H.R. 2754	7/15	7/18		\$27,313	S. 1424	7/17	9/16	
Homeland Security \$27,481 P.L. 108-90	\$28,521	H.R. 2555	6/17	6/24	9/24	\$28,521	H.R. 2555	7/10	7/24	9/24
Interior \$19,552	\$19,627	H.R. 2691	6/25	7/17	10/30	\$19,627	S. 1391	7/10	9/23	11/3
Labor / HHS \$137,990	\$138,046	H.R. 2660	6/25	7/10		\$137,601	S. 1356	6/26	9/10	
Military Construction \$9,237	\$9,196	H.R. 2559	6/17	6/26		\$9,196	S. 1357	6/26	7/11	
Transportatio n and Treasury \$27,802	\$27,502	H.R. 2989	7/24	9/9		\$27,502	S. 1589.	9/4	10/23	
VA/HUD \$89,434	\$90,034	H.R. 2861	7/21	7/25		\$90,034	S. 1584	9/4	11/12	

IV. NEW LEGISLATION

(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)

HOUSE

Number	Short title	Date	Sponsor	Status
H. R. 3432	Post Office Community Partnership Act of 2003	11/4/03	Earl Blumenauer (D/OR)	Referred to Committee on Government Reform
<p>Amends title 39, <i>United States Code</i>, to require that the same measures governing the closing or consolidation of a post office also govern the relocation or construction of a post office.</p> <p>If local community regulations for relocation, closing, consolidation, or construction of buildings are more stringent than those required by Federal law, Postal Service shall defer to, and apply, local community regulations.</p> <p>Postal Service shall comply with any applicable local zoning, planning, or land use laws (including design guidelines, building codes, and all other provisions of law).</p>				

SENATE

No new legislation of interest to report.

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V. ADMINISTRATION INITIATIVES

U.S. – Canada Task Force Investigation of August 14 Power Blackout On October 17, DOE Secretary Spencer Abraham and Canadian Minister of Natural Resources Herb Dhaliwal convened the U.S. – Canada Task Force to discuss findings from an investigation into the cause of the power blackout on August 14. The investigation is based on a model established by the U.S. National Transportation Safety Board in which investigators gather crash data to determine the cause of the accident (Phase One) and then seek public comments on the findings (Phase Two). To date, the task force has run computer simulations of the grid collapse to identify problems in the grid’s infrastructure, computer hardware and software, engineering, communications, and facility management. Secretary Abraham said, “...we expect our findings on the August blackout to be technical in nature, focusing largely on operational aspects of the electric transmission system.” The task force has not released formal conclusions on the cause of the blackout; the task force will first solicit comments and recommendations from the public on the initial technical report in Phase Two of the investigation. A final report, including technical data and public recommendations, will be submitted to President Bush and Prime Minister Chretien. Mr. Abraham hopes the final report “will lead to policy initiatives in both countries – as well as improvements in

infrastructure and operational processes at power companies and system operators – that will minimize the chances of future blackouts and result in a more reliable and efficient electric delivery system.”

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VI. HEARINGS SCHEDULE

HOUSE – COMMITTEE ON APPROPRIATIONS

No new activities of interest to report.

HOUSE – AUTHORIZATIONS/OVERSIGHT

No new activities of interest to report.

SENATE – COMMITTEE ON APPROPRIATIONS

No new activities of interest to report.

SENATE – AUTHORIZATIONS/OVERSIGHT

No new activities of interest to report.

CONFERENCE COMMITTEE NEGOTIATIONS AND FLOOR VOTES

Date and Action Item	Topic	Location
<i>Week of November 10</i>	Consideration and Vote – <i>S.1584</i>	TBA
Senate Floor Action (NEW)	– <i>FY 2004 Appropriations for Veterans’ Affairs, Housing and Urban Development, and Independent Agencies</i>	
<i>November 12</i>	<i>H.R. 2989 and S. 1589 - FY 2004 Appropriations for Transportation and Treasury and Independent Agencies</i>	HC – 5 Capitol 2 p.m.
Conference Committee Meeting (NEW)		

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